

EXHIBIT 1

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

NINETEEN77 CAPITAL SOLUTIONS A LP;
BERMUDEZ MUTUARI, LTD.; and
WILMINGTON TRUST NATIONAL
ASSOCIATION,

Plaintiffs,

-against-

CHARIF SOUKI, Individually; KARIM
SOUKI, CHRISTOPHER SOUKI, and LINA
SOUKI RIZZUTO, as Trustees of the SOUKI
FAMILY 2016 TRUST,

Defendants.

Index No. _____/ 2023

**NOTICE OF MOTION FOR SUMMARY
JUDGMENT IN LIEU OF COMPLAINT**

PLEASE TAKE NOTICE THAT, upon (i) the Summons dated [August 18], 2023; (ii) the Affirmation of Harry Murphy (“Murphy Aff.”) sworn to on August 18, 2023, together with the exhibits annexed thereto; and (iii) Plaintiff’s Memorandum of Law in Support of its Motion for Summary Judgment in Lieu of Complaint, Nineteen77 Capital Solutions A LP; Bermudez Mutuari, Ltd., and Wilmington Trust National Association (collectively, “Plaintiffs”), by and through their counsel, will move this Court at the Courthouse, Motion Submission Part, Room 130, located at 60 Centre Street, New York, NY 10007 on October 5, 2023 at 9:30 a.m. or as soon thereafter as counsel may be heard, for an Order, pursuant to CPLR § 3213, directing the entry of summary judgment in favor of Plaintiffs and against Defendants in an amount not less than \$99,180,855.69 owed under the parties’ agreements, plus interest, costs, and fees (including attorneys’ fees).

PLEASE TAKE FURTHER NOTICE THAT, pursuant to CPLR § 3213, answering papers, if any, must be served on the undersigned on or before September 25, 2023.

Dated: New York, New York
August 21, 2023

Respectfully submitted,

/s/ Darrell S. Cafasso

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Thomas M. Garvey, Jr.

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